

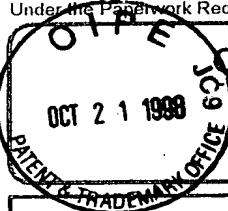
GAV 1761 \$  
#131B  
10/27/08

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PTO/SB/29 (12/97)

Approved for use through 09/30/00. OMB 0651-0032

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## CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.  
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:  
 DUPLICATE

Address to:

Assistant Commissioner for Patents  
Box CPA  
Washington, DC 20231

Attorney Docket No.	29865
First Named Inventor	Maria Anna Wubben
Express Mail Label No.	EL141892486US
Total Pages	6

This is a request for a  continuation or  divisional application under 37 CFR 1.53(d),  
(continued prosecution application (CPA)) of prior application number 08 / 776,321,  
filed on April 15, 1997, entitled PECTINS AS FOAM STABILIZERS FOR BEVERAGES HAVING A FOAM HEAD

### NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b) and filed on or after June 8, 1995, or (2) the national stage of an international application in compliance with 35 U.S.C. 371 and filed on or after June 8, 1995.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

1.  Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 CFR 1.116 in the prior nonprovisional application.
2.  A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53 (d)(4).
  - a.  **DELETE** the following inventor(s) named in the prior nonprovisional application:  
.....

10/23/1998 INFORMATION 0000026 08776321

4.  A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
  - a.  PTO-144910.00 DP
  - b.  Copies of IDS Citations

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PTO/SB/29 (12/97)

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c))	25 -20 =	5	x \$ 22 =	\$ 110
	INDEPENDENT CLAIMS(37 CFR 1.16(b))	4 -3 =	1	x \$ 82 =	\$ 82
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			+ \$ 270 =	\$ 0
				BASIC FEE (37 CFR 1.16(a))	\$ 790
				Total of above Calculations =	\$ 982
	Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28).				\$ 0.00
				TOTAL =	\$ 982

6. Small entity status:

- a.  A small entity statement is enclosed.
- b.  A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- c.  Is no longer claimed.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 16-0820: Order No. 29865

- a.  Fees required under 37 CFR 1.16.
- b.  Fees required under 37 CFR 1.17.
- c.  Fees required under 37 CFR 1.18.

8.  A check in the amount of \$1,092.00 is enclosed.

9.  Other: Request for Extension of Time

**NOTE:**

*The prior application's correspondence address will carry over to this CPA  
UNLESS a new correspondence address is provided below.*

10. NEW CORRESPONDENCE ADDRESS

<input type="checkbox"/> Customer Number or Bar Code Label	(Insert Customer No. or Attach bar code label here)	<input type="checkbox"/> New correspondence address below			
NAME	John P. Murtaugh, Reg. No. 34226				
	Pearne, Gordon, McCoy & Granger LLP				
ADDRESS	1200 Leader Building				
CITY	Cleveland	STATE	Ohio	ZIP CODE	44114-1401
COUNTRY	U.S.A.	TELEPHONE	216-579-1700	FAX	216-579-6073

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M.D. 142

11. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

NAME	John P. Murtaugh, Reg. No. 34226
SIGNATURE	<i>John P. Murtaugh</i>
DATE	Oct. 21, 1998



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#14/C  
VB  
10/07/98  
PATENT

Applicants: Maria Anna Wubben, et al.  
Title: PECTINS AS FOAM STABILIZERS FOR BEVERAGES HAVING A FOAM HEAD  
Serial No.: 08/776,321 Art Unit: 1761  
Filing Date: April 15, 1997  
Examiner: Curtis E. Sherrer  
Docket No.: 29865

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

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68 OCT 27 1998 10:42

Sir:

Please amend the application prior to its examination as follows.

IN THE CLAIMS:

Please amend claim 18 as follows.

*July 8/98*

18. (Amended) A method of [for] preparing through a preparation process a beverage having improved foam head stability comprising [adding one or more pectins to the beverage at a stage of the preparation process of said beverage effective to prevent any substantial breakdown of said pectins] providing to said beverage during said preparation process 0.5 to 30 g pectin per hectoliter beverage, said quantity of pectin being provided to said beverage at a stage of said preparation process effective to provide a beverage having improved foam head stability, said